

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10823 OF 2022

Namdeo Kana Patil (Deceased)

through Legal Heirs

Dhanaji Namdeo Patil & Ors.

... Petitioners

Versus

The Deputy Collector (Land

Acquisition) Metro Centre No.3 and Ors.

... Respondents

YUGANDHARA
SHARAD PATIL

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YUGANDHARA
SHARAD PATIL
Date: 2022.12.09
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WITH

WRIT PETITION NO. 10826 OF 2022

Indubai Vishnu Gavand and Ors.

... Petitioners

Versus

The Deputy Collector (Land

Acquisition) Metro Centre No.3 and Ors.

... Respondents

WITH

WRIT PETITION NO. 10825 OF 2022

Vinayak Bama Patil and Ors.

... Petitioners

Versus

The Deputy Collector (Land

Acquisition and Ors.

... Respondents

WITH

WRIT PETITION NO. 11193 OF 2022

Akkabai Padya Patil and Ors.

... Petitioners

Versus

The Deputy Collector (Land

Acquisition) Metro Centre No.3 and Ors.

... Respondents

WITH

WRIT PETITION NO. 111421 OF 2022

Maribai Alias Radhabai Krushna
Karadi Alias Shinde and Ors.

... Petitioners

Versus

The Deputy Collector (Land
Acquisition and Ors.

... Respondents

Mr. Sachin Punde for the Petitioners in all Wps.

Mr. R.S. Pawar AGP for the Respondent-State in WP No. 10823/22, WP No. 10826/22, & WP No. 10825/22.

Mrs. R.M. Shinde AGP for the Respondent-State in WP No. 11193/22 & WP No. 111421/22.

Mr. G.S. Hegde a/w Mr. P.M. Bhanushali for Respondent-CIDCO in all Wps.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 6th DECEMBER 2022

PC. :-

1. Rule. Learned counsel for CIDCO waives service. Learned AGP waives service for State of Maharashtra. Rule is made returnable forthwith.

2. By consent of parties, the petitions were heard together and are being disposed of by a common order in view of the facts and the issues raised therein are identical.

3. By these petitions filed under Article 226 of the Constitution of

India, the petitioners seek a writ of mandamus against the respondents to forthwith implement and make the payment of re-determined amount of compensation as per various Awards prescribed in prayer clause (B) of the petitions.

4. It is not in dispute that the respondents have not raised any dispute that the awards which are the subject matter of these petitions are executable and that those awards are not challenged by the CIDCO or by the State of Maharashtra and they have attained finality.

5. Learned counsel for the petitioners relied upon a judgment of this Court delivered on 29th April 2022 in Writ Petition No. 2087 of 2021 in case of *Trimbak Joma Thakur and Ors Vs. Principal Secretary Urban Development Department and Ors.* and also copy of the order passed by the Hon'ble Supreme Court on 18th July 2022 in Special Leave Petition No.11184 of 2022 arising out the final judgment and order dated 29th April 2022 passed by this Court in Writ Petition No. 2087 of 2022.

6. This court has negated all the contentions raised by the respondents in this batch of petitions after referring to various

judgments. The judgment and order passed by this Court in the said writ petition has attained finality in view of the dismissal of the special leave petition by the Hon'ble Supreme Court by order dated 18th July 2022.

7. These awards in favour of the petitioners awarding payment of compensation having been attained finality, the respondents cannot refuse to comply with those awards and to pay the awarded compensation to the petitioners. In our view, the view taken on the part of the respondents is totally contrary to the principle laid down by this Court in the judgment in the case of *Trimbak Joma Thakur and Anr.(supra)*.

8. Mr. Hegde, learned counsel appearing for the CIDCO could not distinguish the judgment of this Court in case of *Trimbak Joma Thakur*. In our view, the said judgment squarely apply to the facts of this case.

9. Learned counsel for the petitioners, on instructions, state that to the knowledge of the petitioners, no appeal has been preferred by the State Government against the awards which are the subject matter of these writ petitions. Admittedly CIDCO has not filed any

appeal against the awards which are the subject matter of these petitions.

10. We accordingly pass the following order:

(i) The Writ Petitions are allowed in terms of prayer Clause (B).

(ii) The State Government is directed to submit a proposal with computation of the amount payable to the petitioners under the said awards which are the subject matter of this petition to the CIDCO within two weeks from today without fail with the copy thereof to be served upon the petitioners.

(iii) The CIDCO is directed to deposit the amount that would be computed by the State Government within a period of three months from the date of the receipt of such proposal without fail with the State Government.

(iv) Such deposit shall be inclusive of the amount of interest for a period of 3 months from the date of submission of such proposal to CIDCO i.e. upto the date of

payment.

(v) Upon receipt of such amount from CIDCO, the State Government shall release such amount in favour of the petitioners within a period of two weeks thereafter without fail.

11. In view of these directions, we give three months time to CIDCO to make such deposit which would be obviously inclusive of the interest considering the time granted to CIDCO for making such payment.

12. The Writ Petitions are allowed in the aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

13. Parties to act on the authenticated copy of this order.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]